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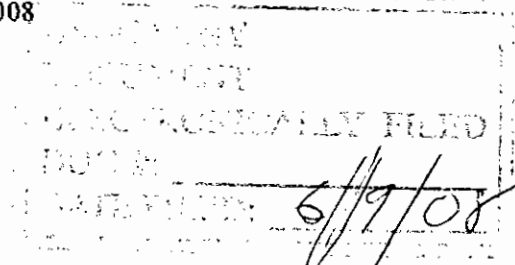
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June 6, 2008

**VIA FACSIMILE: 212-805-7928**

Honorable Michael H. Dolinger  
United States Magistrate Judge  
500 Pearl Street, Room 2270  
New York, New York 10007



Re: Ahava,002/Signature Bank v. Ahava Food Corp. et. al. 08 Civ. 3893 (NRB)(MHD)

Your Honor:

As you recall, I represent defendant Ahava of California LLC ("Ahava CA") in the above referenced case.

Ahava CA applies for an order that plaintiff Signature Bank ("the Bank") cannot rely upon the deposition testimony of Fariborz Banayan ("FB"), because the Bank breached your earlier order. In particular, the Bank failed to deliver FB's June 4, 2008 deposition transcript to me on June 5, 2008 as ordered. Instead, the transcript arrived mid afternoon today. FB and I had planned to meet yesterday to review the transcript together. Today, as the Bank know, I was occupied all day, including all morning on a hearing in the California state court lawsuit between the Bank and Ahava CA. It is very disturbing that the Bank "took away" the only two days that FB would have to review the transcript.

Finally, I am out on June 9-10, 2008 for Shavous.

Very truly yours,

Robert W. Hirsh

cc: David Feuerstein, via fax: 212-545-3477  
David Antonucci, via fax: 315-788-1643  
Lawrence Fox, via fax: 212-826-3640

ENDORSED  
ORDER

Agreement denied.

*[Signature]*  
6/9/08